

AMENDED IN ASSEMBLY JUNE 24, 2004

AMENDED IN ASSEMBLY JUNE 15, 2004

AMENDED IN SENATE MAY 11, 2004

AMENDED IN SENATE FEBRUARY 18, 2004

SENATE BILL

No. 1130

Introduced by Senator Scott

January 14, 2004

An act to amend Sections 20209.12, 20209.13, and 20209.14 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1130, as amended, Scott. Public contracts: transit design-build contracts.

Existing law authorizes transit operators to enter into a design-build contract, as defined, according to specified procedures. A transit operator that uses the design-build process is required to report to the Legislative Analyst before December 1, 2005, on each public works project procured through the design-build process and completed on or before November 1, 2005. Existing law repeals these provisions on January 1, 2005.

This bill would specify that these provisions apply only to transit projects, and that transit projects do not include *state* highway construction or local street and road projects. This bill would revise the reporting requirements by requiring a transit operator that uses the design-build process to report to the Legislative Analyst within 120 days of the design-build project being put into operation or by December 1, 2005, whichever occurs first.

This bill would extend the duration of these provisions until January 1, 2007.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. It is the intent of the Legislature that nothing in
2 this act shall be construed to limit transit operators from engaging
3 in qualified transit projects that would require minor
4 modifications to local roads that are incidental to light rail or bus
5 transit improvements.
- 6 SEC. 2. Section 20209.12 of the Public Contract Code is
7 amended to read:
- 8 20209.12. Each transit operator that elects to proceed under
9 this article and use the design-build method on a public works
10 project shall prepare and deliver to the Legislative Analyst's office
11 within 120 days of the design-build project being put into
12 operation or by December 1, 2005, whichever occurs first, a report
13 containing a description of each public works project financed
14 with public funds, procured through the design-build process, and
15 completed on or before November 1, 2005. However, if a project
16 has been commenced, but not completed on or before November
17 1, 2005, the transit operator shall complete a report no later than
18 120 days after completion of the project. The report shall include,
19 but not be limited to, all of the following information:
- 20 (a) The type of facility.
21 (b) The gross square footage of the facility.
22 (c) The company or contractor who was awarded the project.
23 (d) The estimated and actual length of time to complete the
24 project.
25 (e) The findings established pursuant to Section 20133.
26 (f) Any Labor Code violations discovered during the course of
27 construction or following completion of the project, as well as any
28 fines or penalties assessed.
29 (g) The estimated and actual project cost.
30 (h) A description of any written protests concerning any aspect
31 of the solicitation, bid, proposal, or award of the design-build
32 project, including the resolution of the protest.
33 (i) An assessment of the prequalification process and criteria.

1 (j) An assessment of the impact of retaining 5 percent retention
2 on the project.

3 (k) A description of the labor force compliance program and an
4 assessment of the project impact, where required.

5 (l) A description of the method used to award the contract. If
6 best value was the method, the factors used to evaluate the bid shall
7 be described, including the weighting of each factor and an
8 assessment of the effectiveness of the methodology.

9 (m) An assessment of the project impact of “skilled labor force
10 availability.”

11 (n) An assessment of the design-build dollar limits on transit
12 projects. This shall include projects where the transit operator
13 wanted to use design-build and was precluded by the dollar
14 limitation. It shall also include projects where the best value
15 method of awarding contracts was not used, due to dollar
16 limitations.

17 (o) An assessment of the most appropriate uses for the
18 design-build approach.

19 (p) Any transit operator that elects not to use the authority
20 granted may also submit a report to the entities named in
21 accordance with the schedule in this section. This report may
22 include an analysis of why the authority granted was not used by
23 the operator.

24 SEC. 3. Section 20209.13 of the Public Contract Code is
25 amended to read:

26 20209.13. (a) Unless expressly set forth in this article,
27 nothing in this article is intended to affect, expand, alter, or limit
28 any rights or remedies otherwise available at law.

29 (b) This article applies only to transit projects. “Transit
30 projects” for the purposes of this article does not include *state*
31 highway construction or local street and road projects.

32 SEC. 4. Section 20209.14 of the Public Contract Code is
33 amended to read:

34 20209.14. This article shall remain in effect only until January
35 1, 2007, and as of that date is repealed.